



MEMORANDUM

Agenda Item No. 15(A)(1)

TO: Honorable Chairwoman Rebeca Sosa, and
Members, Board of County Commissioners

DATE: November 19, 2013

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Christopher Agrippa, Division Chief
Clerk of the Board Division

SUBJECT: Resolution approving the request of the Property Appraiser to retain Special Counsel for the specific purpose of providing legal advice and representation in opposition to the appeal before the Florida Cabinet of an Amendment to the Property Appraiser's Office Budget as previously approved by the Florida Department of Revenue; delegating to the Property Appraiser the authority to execute an agreement for such services using the same format as was used in the agreement attached to Item 15A1 considered at the July 16, 2013, Board Meeting; waiving Resolution Nos. R-130-06 and R-1038-06

Attached for your information is a copy a Resolution approving the request of the Property Appraiser to retain Special Counsel for the specific purpose of providing legal advice and representation in opposition to the appeal before the Florida Cabinet of an Amendment to the Property Appraiser's Office Budget as previously approved by the Florida Department of Revenue; delegating to the Property Appraiser the authority to execute an agreement for such services using the same format as was used in the agreement attached to Item 15A1 considered at the July 16, 2013, Board Meeting, waiving Resolution Nos. R-130-06 and R-1038-06.

CA/fed
Attachment



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 19, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 15(A)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 15(A)(1)
11-19-13

RESOLUTION NO. _____

RESOLUTION APPROVING THE REQUEST OF THE PROPERTY APPRAISER TO RETAIN SPECIAL COUNSEL FOR THE SPECIFIC PURPOSE OF PROVIDING LEGAL ADVICE AND REPRESENTATION IN OPPOSITION TO THE APPEAL BEFORE THE FLORIDA CABINET OF AN AMENDMENT TO THE PROPERTY APPRAISER'S OFFICE BUDGET AS PREVIOUSLY APPROVED BY THE FLORIDA DEPARTMENT OF REVENUE; DELEGATING TO THE PROPERTY APPRAISER THE AUTHORITY TO EXECUTE AN AGREEMENT FOR SUCH SERVICES USING THE SAME FORMAT AS WAS USED IN THE AGREEMENT ATTACHED TO ITEM 15A1 CONSIDERED AT THE JULY 16, 2013 BOARD MEETING; WAIVING RESOLUTION NOS. R-130-06 AND R-1038-06

WHEREAS, pursuant to Florida Statute 195.087(1)(a), on May 31, 2013, the Property Appraiser submitted to the Florida Department of Revenue (hereinafter "DOR") a budget for the operation of the Property Appraiser's Office for the ensuing fiscal year beginning October 1st; and

WHEREAS, on August 15, 2013, the Property Appraiser's budget received final approval from DOR; and

WHEREAS, such budget included a reserve to address the cost implications should the five percent (5%) employee contribution to the County's health insurance costs for employees of the Property Appraiser be eliminated as a result of collective bargaining; and

WHEREAS, following public hearings on the County's budget in September, the Board of County Commissioners eliminated this reserve, and approved the Fiscal Year 2013-14 budgets for the County without this reserve; and

WHEREAS, pursuant to Florida Statute 195.087(b), any change to the Property Appraiser's budget subsequent to final approval by DOR requires an appeal to the Governor and Cabinet, sitting as the Administration Commission (hereinafter "the Florida Cabinet"), no later than 15 days following the final public hearing to finalize the county's budget and adopt millage rates; and

WHEREAS, by letter dated October 1, 2013, the Chairwoman, on behalf of the County, transmitted a letter to the Governor requesting approval of the Board's elimination of this reserve from the Property Appraiser's budget; and

WHEREAS, the Property Appraiser transmitted a letter to the Governor dated October 2, 2013, urging denial of the County's request; and

WHEREAS, on October 10, 2013, the Property Appraiser transmitted a memorandum to the County Attorney requesting that the County Attorney's Office provide legal advice and representation to the Property Appraiser's Office in this matter; and

WHEREAS, by email dated October 11, 2013, the County Attorney indicated that the County Attorney's Office had a conflict and could not represent the Property Appraiser in this matter because the County Attorney's Office had advised the Chairwoman and County administrative staff as to the process for obtaining such approval and helped prepare a written communication to the state for that purpose; and

WHEREAS, this email further indicated that if the Property Appraiser wished to have representation in this matter, the Home Rule Charter required Board approval to hire special counsel; and

WHEREAS, Section 5.06 of the Home Rule Charter provides that the County Attorney “shall serve as legal counsel to the Board, Mayor, and all county departments, offices, and agencies”; and

WHEREAS, Chapter 2, Article VII, Section 2-73(3) of the Code provides that legal services shall be provided to the Property Appraiser by the County Attorney’s Office; and

WHEREAS, Section 5.06 of the Home Rule Charter provides that the Board may employ special counsel for specific needs; and

WHEREAS, the Property Appraiser requests special counsel, due to the County Attorney’s Office conflict in this matter, for the purpose of providing legal advice and representation before the Florida Cabinet in opposition to the County’s request to eliminate the health insurance reserve in the Property Appraiser’s budget; and

WHEREAS, this Board wishes to delegate to the Property Appraiser the Board’s authority under the Home Rule Charter to hire special counsel for this specific need; and

WHEREAS, the Property Appraiser will negotiate with and select a law firm of his choosing to provide legal services for the purpose of providing legal advice and representation on the matter before the Florida Cabinet; and

WHEREAS, the Property Appraiser will negotiate directly the terms, conditions, fees and expenses with the law firm of his choosing; and

WHEREAS, payment to such firm for attorney’s fees and expenses shall not exceed funds that are duly appropriated in the Property Appraiser’s budget,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, pursuant to Section 5.06 of the Miami-Dade County Home Rule Charter, approves the Property Appraiser’s

5

request to retain special counsel for the specific purpose of providing legal advice and representation in opposition to the County's appeal before the Florida Cabinet of an amendment to the Property Appraiser's Office budget as previously approved by the Florida Department of Revenue. The Board further:

1. Delegates to the Property Appraiser its authority under the Home Rule Charter to hire special counsel for this specific need;
2. Waives the requirements of resolutions:
 - a. R-130-06 related to the contract being signed; and
 - b. R-1038-06 related to the amount of the item being reflected in the title;
3. Authorizes the Property Appraiser to negotiate directly the terms, conditions, fees and expenses with the law firm of his choosing; and
4. Authorizes the Property Appraiser to enter into an agreement with such law firm, using the same format as was used in the agreement attached to item 15A1 considered at the July 16, 2013 Board meeting.

Payment to such firm for attorney's fees and expenses shall not exceed funds that are duly appropriated in the Property Appraiser's budget.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of November, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

By: _____
Deputy Clerk